

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 21, 2006

Division: Employee Services

Bulk Item: Yes X No

Department: Workers' Compensation

AGENDA ITEM WORDING: Approval for payment in the amount of \$6,037.50 for legal services provided by the firm of Charouhis, Fandino, Lopez & Wright, P.A. for representing the County in a workers' compensation claim.

ITEM BACKGROUND: The above named law firm was retained by the former Workers' Compensation Administrator on a trial basis to represent the County's interest in a worker's compensation case. Although section 2-359 of the County Code requires Board approval for retaining any outside counsel, no previous approval was sought. Because of this oversight, the Finance Office will not pay the invoice without approval by the BOCC. The invoice was for 48.30 total hours of work at a rate of \$125.00 per hour plus costs in the amount of \$6,037.50. Any future cases referred to this firm would be done pursuant to a contract approved by the Board.

PREVIOUS RELEVANT BOCC ACTION: None.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: \$6,037.50

BUDGETED: Yes X No

COST TO COUNTY: \$6,037.50

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty MC OMB/Purchasing Risk Management MS

DIVISION DIRECTOR APPROVAL:



Teresa E. Aguiar
Division Director Employee Services

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM #

Charouhis, Fandino, Lopez & Wright, P.A.

Attorneys at Law
Miami - West Palm Beach

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TAX ID NO. 65-0910939

February 03, 2006

Mary Rodriguez
Preferred Governmental Claims Solutions
PO Box 958456
Lake Mary FL 32795-8456

Invoice No. 11194

In Reference To: **[REDACTED] Monroe County Board of County Commissioners**
Claim No. WCLT078459 ✓
D/A: 12-21-04 ✓
Our File No. 3636-0000

Professional Services

	<u>Hours</u>	<u>Amount</u>
9/14/2005 Receipt and review of new file materials and suit transmittal and instructions for handling (.30); opening new file (n/c); review notes from adjuster regarding new file (.10); prepare Notice of Appearance (.20); conflict check with Office Services (n/c); prepare Request to Produce (.20); prepare letter to adjuster re: new claim (.10); note file re: carrier info (n/c); ascertain background info on Claimant needed (.10) and prepare letter to Division of Workers' Compensation regarding prior accidents (.20); prepare Social Security disability release (.10), and all information required by SS regarding disability information request (.10); prepare unemployment compensation release (.10), and all information required by Dept. of Labor regarding prior employment (.10); diary due dates for return of SS and Unemployment and release (n/c); prepare medical release (n/c) and medical authorizations (.10); prepare earnings request to obtain all information, and complete required forms regarding prior/subsequent employment to New Jersey Dept. of Labor (.20); diary due dates for same (n/c); prepare correspondence to Claimant's attorney regarding liens, handling, representation of E/C, production, and releases, with all enclosures (.20); ascertain Claimant's Social Security number (n/c); ascertain place of accident, jurisdiction, venue and JCC (.20); prepare list of all parties (n/c); and original Certificate of Service (.10); ascertain Claimant's d/b and other identifying factors (n/c); perform auto-trac research on Claimant's background re: prior accidents, prior claims, crimes, residences, etc. (.50); ascertain whether DOAH has assigned new claim number, computer research to see if petition filed and obtain DOAH information (.20), and then amend pleadings to reflect same (.20).	3.00	375.00
Receipt and review of new file materials and suit transmittal and instructions for handling (.30); opening new file (n/c); review notes from adjuster regarding new file (.10); prepare Notice of Appearance (.20); conflict check with Office Services (n/c); prepare Request to Produce (.20); prepare letter to adjuster re: new claim (.10); note file re: carrier info (n/c); ascertain background info on Claimant needed (.10) and prepare letter to Division of Workers' Compensation regarding prior accidents (.20); prepare Social Security disability release (.10), and all information required by SS regarding disability information request (.10); prepare unemployment compensation release (.10), and all information required by Dept. of Labor regarding prior employment (.10); diary due dates for return of SS and Unemployment and release (n/c); prepare medical release (n/c) and medical authorizations (.10); prepare earnings request to obtain all information, and complete required forms regarding prior/subsequent employment to New Jersey Dept. of Labor (.20); diary due dates for same (n/c); prepare correspondence to Claimant's attorney regarding liens, handling, representation of E/C, production, and releases, with all enclosures (.20); ascertain Claimant's Social Security number (n/c); ascertain place of accident, jurisdiction, venue and	3.00	375.00

LT/OP/MCR CH
Interim Bill

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NBS
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		Hours	Amount
	JCC (.20); prepare list of all parties (n/c); and original Certificate of Service (.10); ascertain Claimant's d/b and other identifying factors (n/c); perform auto-trac research on Claimant's background re: prior accidents, prior claims, crimes, residences, etc.(.50); ascertain whether DOAH has assigned new claim number, computer research to see if petition filed and obtain DOAH information (.20), and then amend pleadings to reflect same (.20).		
9/16/2005	Division of Administrative Hearings research regarding state mediation and initial assignment (.20); t/conference with Attorney Hackney regarding state verses private mediation (.20); telephone conference with Jennifer Taylor regarding mediation and state verses private mediation (.20); t/call to state mediator regarding state mediation and requirements for substitution (.20); prepare correspondence to adjuster regarding state mediation (.20).	1.00	125.00
9/28/2005	Review of Notice of Appearance (.10); review of correspondence from Attorney Hackney regarding new file (.10); t/call to Attorney Hackney regarding new file and handling of same (.20); t/call to adjuster regarding same (.20).	0.60	75.00
9/29/2005	Telephone conference with opposing counsel's office regarding Private Mediation and possible early settlement (.20); telephone conference with the mediator's office regarding same and we need aggressive mediator and two files we need assistance on (.20); prepare Notice of Private Mediation and forwarded to all parties (.20); prepare correspondence to adjuster regarding same (.20); verify if state mediation is set (.10); verify if private mediation can be substituted (.10); research and review initial order of assignment (.20); prepare agreed Motion to Substitute Private for State Mediation (.50); prepare proposed Agreed Order (.30); t/call to opposing counsel re same and detailed discussion of requirements for substitution (.20); prepare correspondence to JCC re same, with original attachments (.20); prepare correspondence and transmittal of same to opposing counsel re same, with attachments (.10); prepare exhibits including Notice of Private Mediation attached (.20).	2.40	300.00
10/6/2005	Receipt/review private mediation notice and correspondence from opposing counsel and mediator (.20); verify on Division of Administrative Hearings if state mediation has been substituted for private mediation and if proposed Order has been signed (.20); request for demand (.20); telephone call to Mariner's Hospital regarding date(s) of admission and what releases are required for records (.20).	0.80	100.00
10/12/2005	Research Division of Administrative Hearings to locate if the state cancelled the state mediation and substituted same for private mediation (.20); prepare email to adjuster advising that state mediation has been cancelled and substituted for private mediation (.20); prepare correspondence regarding same to the state mediator (.20); and opposing counsel (.20); update calendar to reflect same (.20); follow up with Mariner's Hospital regarding records and release (.20); telephone call to Attorney Hack regarding releases and records (.20).	1.40	175.00
10/18/2005	Telephone conference with opposing counsel regarding claimant's deposition if no early reasonable settlement (.20); review and analyze AWW for this date of accident and whether we need an AWW for the earlier date of accident (.20).	0.40	50.00
10/19/2005	Detailed review of file in preparation for Claimant's deposition - time split with 3636-0001 (1.00); appear/attend Claimant's deposition - time split with 3636-0001 (1.00); review of detailed notes and preparation of summary of Claimant's deposition - time split with 3636-0001 (1.00).	2.50	312.50
10/21/2005	Review of Division of Administrative Hearings website to determine if any additional Petitions were filed (.10).	0.10	12.50
	Review and analyze file for preparation of Employer/Carrier's response to Claimant's Request to Produce, redact work product or otherwise privileged information, assert appropriate objections to Claimant's request (1.00); receipt and review claims file, including medicals, bills, correspondence, pleadings, and miscellaneous claims documents (1.00); organize, dedact duplicates, identify, mark and label and place in chronological order in appropriate subfiles (n/c); remove all work product including faxes and correspondence to/from employer/carrier and reserve information and bills/correspondence from defense counsel and place in claims diary folder (.20); receipt and review claims diary (.30); determine date of accident and 13 weeks prior to accident (.20); prepare Initial Case Evaluation letter to adjuster (2.50).	5.20	650.00
10/22/2005	Analyze file to determine discovery still outstanding for claimant's depositions (.50).	0.50	62.50
10/26/2005	T/call from opposing counsel regarding private mediation and demand of \$90,000 (.20); determine when group insurance of \$781.80 needs to be added (.20).	0.40	50.00

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10/26/05

		<u>Hours</u>	<u>Amount</u>
10/27/2005	T/call to opposing counsel regarding private mediation (.20); prepare amendment to certificate of service and update file with new adjuster information (.20).	0.40	50.00
10/28/2005	Preparation of amendment to correspondence and finalization of letter to Adjuster, Maryann DeRosa, regarding Claimant's deposition summary (.30); review of EMS records (.20); follow up on correspondence and releases from opposing counsel (.10).	0.60	75.00
11/1/2005	Review of Request to Produce (.10); preparation of Response to Claimant's Request to Produce (.50); review of file regarding private mediation conference (.20); review of file regarding Claimant's deposition and what exhibits regarding same (.20); preparation of amendments to initial case evaluation (1.00).	2.00	250.00
11/3/2005	Update medical records (.20); prepare email to adjuster on mediation and evaluation and last medical treatment (.20).	0.40	50.00
11/4/2005	Telephone conference with Mediator regarding private mediation conference and two mediations (.20); telephone conference with Claimant's counsel, Attorney Hack, regarding private mediation conference (.20); telephone call to Adjuster, Maryann DeRosa, regarding private mediation conference (.20); preparation of correspondence to Adjuster regarding private mediation conference (.20).	0.80	100.00
11/6/2005	Preparation for mediation (1.00).	1.00	125.00
11/7/2005	Telephone conference with Claimant's counsel, Attorney Hack, regarding private mediation conference and unreasonable demand (.20); telephone call to Adjuster, Maryann Hatton, regarding private mediation conference (.20).	0.40	50.00
	Review of correspondence of Dr. Gran (.10); telephone call to opposing counsel regarding one time change from Dr. Scott Burns to Dr. Bernard Gran (.20); prepare correspondence to Dr. Bernard Gran regarding evaluation (.20).	0.50	62.50
	Attendance at pre-mediation conference, mediation, and post-mediation conference; assist in preparation of mediation agreement; execute same (3.00); prepare plan of action (.20); prepare email to adjuster and employer regarding outcome of mediation and plan of action (.20); review of executed mediation report with attachments and prepare for filing with Judge of Compensation Claims (.20).	3.60	450.00
11/8/2005	Receipt/review correspondence from Comprehensive Pathology Assoc. (.20); receipt/review correspondence from Homestead Emergency correspondence to Comprehensive Pathology Assoc. regarding same (.20); prepare correspondence to Homestead Emergency regarding same (.20); prepare and correspondence forward correspondence to Homestead Emergency with enclosures regarding same (.20); prepare and forward correspondence to Mary Ann Derosa with enclosures regarding same (.20).	1.20	150.00
11/9/2005	Telephone conference with Mediator regarding private mediation conference (.20); preparation of Notice of (Reconvene) Private Mediation Conference (.20); preparation of letter to Adjuster, Maryann DeRosa, regarding private mediation conference (.20).	0.60	75.00
11/22/2005	T/call to Dr. Gran's office regarding medical report, mmi, treatment recommendations (.20); telephone call to opposing counsel regarding same (.20).	0.40	50.00
11/28/2005	T/call to Dr. Gran regarding medical report and mmi (.20); review of records from Dr. Scott Burns (.20).	0.40	50.00
	T/call from Dr. Rivas's office regarding medical reports and referrals (.20); review of initial records from Dr. Samess (.20).	0.40	50.00
	Receipt/review correspondence from Dr. Gran's office regarding rating and ct scans (.20); review of releases and determine which providers require same (.20).	0.40	50.00
	Receipt/review correspondence from Neuroscience Consultants regarding medical records and records attached (.20); telephone call from opposing counsel regarding chang in neuro and records and appt (.20).	0.40	50.00
	Receipt/review ct scan reports (.20); fax same to Dr. Gran regarding correspondence and ct scans (.10); t/call to Dr. Gran's office regarding medical reports (.20).	0.50	62.50
11/30/2005	Receipt/review correspondence and records from Neuroscience Consultants regarding medical report (.20); organize all medical records chronologically from Neuroscience Consultants and prepare label for same and prepare same for production (.20).	0.40	50.00
	Review of mediation report (.10); t/call to the mediator's office regarding reconvene private mediation (.10); prepare amend Notice of Reconvene Private Mediation (.20).	0.40	50.00
12/16/2005	Receipt/review correspondence from Neuroscience Consultants regarding medical report (.10); t/call to opposing counsel regarding reduced demand (.10)?	0.20	25.00
12/21/2005	Review of file regarding what else needs to be completed before mediation in 60 days for this date of accident and whether further discovery is needed and what other medical records we need and whether any issues remain pending that must be resolved at mediation	0.90	112.50

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		<u>Hours</u>	<u>Amount</u>
	and/or prior to mediation in order to secure an overall settlement for this date of accident (.50); determine pfbs for this date of accident remaining outstanding (.10); interoffice conference regarding same (no charge); telephone call to state mediator regarding state mediation verses private mediation and whether state was set for both dates of accident (.20); telephone call to opposing counsel regarding same (.10).		
12/30/2005	Review of file regarding private mediation conference and last demand and whether we have obtained new lowered demand (.20); t/call to Attorney Hack regarding lowered demand needed (.20).	0.40	50.00
1/3/2006	Review of file regarding private mediation conference (.20); prepare voluminous production for opposing counsel for mediation (1.00).	1.20	150.00
1/5/2006	Follow up regarding ojcc information needed for case and for washout if we settle (.20); follow up regarding additional medical records needed (.20).	0.40	50.00
1/9/2006	Preparation of amendment to pleading style regarding new firm address (.20); preparation of Notice of Change of Firm Address (.20).	0.40	50.00
1/10/2006	Receipt/review correspondence from Neuroscience Consultants regarding medical report (.20); prepare and forward correspondence to adjuster regarding same (.20); prepare correspondence to opposing counsel regarding same (.20); prepare and organize all medical records chronologically from Neuroscience Consultants and prepare label for same for production (.20).	0.80	100.00
1/12/2006	Follow up with opposing counsel regarding case value and demand (.20).	0.20	25.00
1/16/2006	Review and analysis of Amended Notice of Private Mediation Conference (.20); preparation of letter to Adjuster, Maryann DeRosa, regarding private mediation conference (.20).	0.40	50.00
1/29/2006	Preparation for mediation in this claim and review of Division of Administrative Hearings regarding all pfbs and prepare opening argument (1.00).	1.00	125.00
2/2/2006	Analyze file to determine discovery still outstanding for private mediation (.50).	0.50	62.50
2/3/2006	Review of file regarding private mediation conference (.20); telephone conference with Mediator regarding private mediation conference (.20); telephone conference with Claimant's counsel, Attorney Hack, regarding private mediation conference (.20); telephone call to Adjuster, Mary Ann DeRosa, regarding private mediation conference then second call to new adjuster (.20).	0.80	100.00
	Attend pre-mediation conference with adjuster; attend mediation; assist in preparation of mediation agreement (time split with other claim) (2.60); t/call to adjuster regarding same (.10); prepare email correspondence to adjuster and employer regarding settlement (.20); review response from adjuster (.10).	4.00	500.00
	Detailed research regarding child support payments and carrier's responsibility for payment of same verses claimant's responsibility, pursuant to order received (1.00-time split with other file).	1.00	125.00
	For professional services rendered	48.30	\$6,037.50
	Balance due		<u>\$6,037.50</u>

FILED
FEB 10 2006
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